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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,026	11/07/2001	Hiroyuki Kishi	1506.1013	4741
21171	7590	06/15/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HO, THOMAS Y	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/986,026

Applicant(s)

KISHI, HIROYUKI

Examiner

Thomas Y Ho

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments against the rejections are not persuasive. Applicant argues (pg.9) that Schwab does not disclose or suggest receiving such information after the transaction is completed. In response to this argument, the limitation "after the transaction is completed" is not claimed. Additionally, the first sales information can be the initial ordering information to purchase the item, and the purchase information can be the return certification, that is received from a purchaser, because the purchase brings the return certification into the return location. Applicant argues (pg.10) that Schwab also does not disclose storing the received purchase information in a second storing part. In response to this argument, upon validation, the computer system goes through a series of steps ([0070]-[0071]) to finish the return process and credit the purchaser. Because these processes involve the transfer/display of information between computers, this inherently discloses that there is storage of information in a location (any displayed graphic must occupy some form of computer memory). Applicant also argues (pg.11) that the combination of Schwab in view of Rogers fails to disclose or suggest a motivation for the combination. In response to this argument, Rogers teaches the use of the electronic system to reduce improper or fraudulent product returns (col.1, ln.14-17, ln.28-34). Furthermore, one of ordinary skill in the art would have been motivated to combine the return systems, because in Schwab, the return location can be considered an extension of the merchant. Rogers and Schwab are analogous art because they both detail electronic return systems for purchased products. Applicant finally argues (pg.11) that the dependent claims are patentable because the prior art fails to disclose or suggest "transmitting to a computer operated by the purchaser a screen data that makes a browser program executed in the computer display a screen containing an input area for inputting the purchase information and an item for inputting an instruction to submit the purchase information in the input area to said server apparatus." In response to this argument, the return location's computer is in fact operated by the purchaser because the purchaser brings in the return certification for the purpose of having it scanned into the computer. The input area is disclosed in Figures 13-14 ([0066]), where Schwab states that the data is scanned and entered into the computer, and brings up a browser display with inputs and parameters.